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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,106	12/20/2000	B. Arlen Young	ADPT1055	6924

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EXAMINER

DANG, KHANH NMN

ART UNIT	PAPER NUMBER
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2111

DATE MAILED: 02/24/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/745,106

Applicant(s)

YOUNG, B. ARLEN

Examiner

Khanh Dang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-20 is/are allowed.
- 6) ☒ Claim(s) 1, 4, 5, 9 and 12-14 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 6-8, 10, 11, 15-17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date Z.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 4, 5, 9, and 12-14 are rejected under 35 U.S.C. 102(a) as being anticipated by "The Next Steps in SCSI" by Qlogic Corp.

At the outset, it is noted that similar claims will be grouped together to avoid repetition in explanation.

As drafted, these claims, after the word "comprising," do not define any step/structure that differs from "The Next Steps in SCSI" by Qlogic Corp. With regard to claims 1, 4, 5, 9, 14, Qlogic discloses a method for supporting data streaming by a SCSI initiator using a Packetized SCSI Protocol (Packetized SCSI supports streaming data), the method comprising: receiving a data packet information unit in a Packetized SCSI Protocol Data In phase by said SCSI initiator (there are only 2 phases in Packetized SCSI, the Data In phase transfers a packet (command (header) and data (payload) from

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the target to the initiator; and Data Out phase transfers command and data from the initiator to the packet in the form of packet containing header and payload); and receiving a signal by the SCSI initiator in the Packetized SCSI Protocol Data In phase to indicate whether a header packet information unit or another data packet information unit is to be received next in said Packetized SCSI Protocol Data In phase (a packet contains nexus information (for example, the unit number of the device for which the packet is intended and the type of packet or packets to immediately follow; a packet or information unit consists of a header and a payload transmitted in pairs, except when the header indicates there is no data (payload) to follow). With regard to claims 12 and 13, Packetized SCSI supports a plurality of packets, one after another. See at least A packet contains nexus information (for example, the unit number of the device for which the packet is intended and the type of packet or packets to immediately follow). A packet or information unit consists of a header and a payload transmitted in pairs, except when the header indicates there is no data (payload) to follow.

Response to Arguments

Applicants' arguments filed 12/15/2003 have been fully considered but they are not persuasive.

At the outset, Applicants are reminded that claims subject to examination will be given their broadest reasonable interpretation consistent with the specification. *In re Morris*, 127 F.3d 1048, 1054-55 (Fed. Cir. 1997). In fact, the "examiner has the duty of police claim language by giving it the broadest reasonable interpretation." *Springs*

Window Fashions LP v. Novo Industries, L.P., 65 USPQ2d 1862, 1830, (Fed. Cir. 2003). Applicants are also reminded that claimed subject matter not the specification, is the measure of the invention. Disclosure contained in the specification cannot be read into the claims for the purpose of avoiding the prior art. *In re Sporck*, 55 CCPA 743, 386 F.2d, 155 USPQ 687 (1986).

With this in mind, the discussion will focus on how the terms and relationships thereof in the claims are met by the references. Response to any limitations that are not in the claims or any arguments that are irrelevant and/or do not relate to any specific claim language will not be warranted.

The 35 USC 102(a) Rejection:

With regard to claims 1, 4, 9, 12, 13, 14, Applicants argued that the "Examiner has cited no teaching of the initiator receiving any signal in the Data In phase or what the Examiner considers the signal to be." Contrary to Applicants' argument, the Examiner clearly stated in the previous Office Action that "a packet contains nexus information (for example, the unit number of the device for which the packet is intended and the type of packet or packets to immediately follow; a packet or information unit consists of a header and a payload transmitted in pairs, except when the header indicates there is no data (payload) to follow)." In another word, it is clear that in Qlogic document, the initiator receives a data packet information unit, and from the header of the information unit, the initiator also receives information "signal" from the header to

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indicate whether a header or a packet consisting of a header and a payload is to be received next.

With regard to claim 5, Applicants argued that the Qlogic document does not disclose "receiving a plurality of data packet information units, one immediately after another, by said SCSI initiator in said packetized SCSI Protocol Data In phase." Contrary to Applicants' argument, packetized SCSI protocol supports streaming data. That is one packet immediately after another. In any event, it is clear from page 10 of the Qlogic document that "an IU [packet] consists of a header and a payload." The Qlogic document further discloses that "[the] payload can consists of commands, data, and status information. Multiple commands may be packed into several header/payload pairs and transmitted in a single connection saving the multiple selection overhead of traditional SCSI" (emphasis added).

With regard to claims 6-8, the rejection of claims 6-8 is hereby withdrawn in view of Applicants' argument.

With regard to claims 10 and 11, the rejection of claims 10 and 11 is hereby withdrawn in view of Applicants' argument.

With regard to claims 12 and 13, claims 12 and 13 do not include "determining whether a signal on a SCSI bus line has been asserted during said Packetized SCSI Protocol Data In phase" as recited in claims 6-8.

With regard to claim 17, the rejection of claim 17 is hereby withdrawn in view of Applicants' argument.

With regard to claims 18-20, Applicants argued that the Qlogic document does not disclose "determining whether to receive another header packet information unit or another data packet information unit in said Packetized SCSI Protocol Data In phase." The Examiner disagrees. See discussion regarding to at least claim 1. However, the rejection of claims 18-20 is hereby withdrawn because, similar to claim 6 (also see Applicants' argument regarding to claim 6), claim 18 requires "interpreting an asserted signal on a SCSI bus line, during said Packetized SCSI Protocol Data In phase, to indicate said another header packet information unit is to be received next in said Packetized SCSI Protocol Data In phase."

Allowable Subject Matter

Claims 2, 3, 6-8, 10, 11, 15-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 18-20 are allowed.


THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Khanh Dang at telephone number 703-308-0211.

A handwritten signature in black ink, appearing to read 'Khanh Dang', with a stylized flourish at the end.

Khanh Dang
Primary Examiner